

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

THOMAS K. SAYTHER
LAUREL A. SAYTHER

NOTICE AND MOTION
FOR POSTCONFIRMATION
CHAPTER 13 MODIFIED
PLAN

Debtor(s).

BKY 02-90236

TO: Jasmine Z. Keller, Trustee, and other entities specified in Local Rule 3019-2.

1. Thomas K. and Laurel A. Sayther, debtors in the above case, by their attorney, move the Court for the relief requested below and give notice of hearing.

2. The Court will hold a hearing on this motion at 10:30 a.m. on September 23, 2004, in Courtroom Number 228B, U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota.

3. Any response opposing motion must be delivered not later than September 18, 2004, 2004, or mailed not later than September 15, 2004, as required by Local Rule 3020-1(c). If no response opposing the motion is timely filed, the court may grant the motion without a hearing.

4. This court has jurisdiction over this motion pursuant to 28 U.S.C. Section 157 and Section 1334 and Federal Rule of Bankruptcy Procedure 5005. This proceeding is a core proceeding. The petition commencing this Chapter 13 case was filed on February 1, 2002. The case is now pending in this court.

5. This motion arises under 11 U.S.C. Section 1324 and Section 1329. This motion is filed under Bankruptcy Rule 9013 and Local Rule 3015-2(b). Debtors propose to modify the Chapter 13 plan to reduce the total payments on nonpriority unsecured claims to a maximum of \$5,282, by payment of \$4,350 per month beginning August, 2004, and as grounds therefore state as follows:

- a. Debtors have paid \$47,950 to the Chapter 13 Trustee to date.
- b. The value, as of the effective date of the plan, of property to be distributed under the plan on account of each allowed unsecured claim is not less than the amount that would be paid on such claim if the estate of the debtors was liquidated under Chapter 7 of this title on

such date.

6. Increase plan payment to pay amount originally confirmed.

7. If oral testimony is necessary as to relevant facts, the debtors will testify at the hearing.

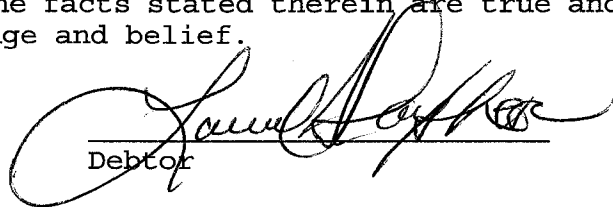
8. WHEREFORE, debtors move the Court for its order confirming plan as modified, and for such other relief as is just and equitable.



Ian Traquair Ball, #4285
Attorney for Debtor(s)
12 So. Sixth St., #326
Minneapolis, MN 55402
Tel: (612) 338-1313

Dated: August 4, 2004

Thomas K. and Laurel A. Sayther, debtors in the above Chapter 13 case under penalty of perjury, state that they have read the foregoing Motion to Modify Chapter 13 Plan and that the facts stated therein are true and correct to the best of their knowledge and belief.


Debtor
Debtor

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

THOMAS K. SAYTHER
LAUREL A. SAYTHER,

Debtor(s).

CERTIFICATE
OF SERVICE

BKY 02-90236

I, Brenda Greenhalgh, declare under penalty of perjury that on August 11, 2004, I mailed copies of the foregoing Notice and Motion of Postconfirmation Chapter 13 Modified Plan and Postconfirmation Modified Chapter 13 Plan to each entity named below and on the attached list at the stated addresses.

Jasmine Z. Keller
Chapter 13 Trustee
310 Plymouth Building
Minneapolis MN 55402

United States Trustee
1015 US Courthouse
300 South 4th Street
Minneapolis MN 55415

Mr. and Mrs. Thomas K. Sayther
13121 Longview Drive
Burnsville, MN 55337

Holly M. Hillerman, Esq.
Andrews Davis Legg Bixler
Milsten & Price
500 West Main
Oklahoma City, OK 73102

Theresa A. Hodnett, Esq.
Stephenson & Sanford, P.L.C.
501 Marquette Avenue, Suite 1440
Minneapolis, MN 55402
Thomas J. Reiter, Esq.
6 West 5th Street, 7th Floor
St. Paul, MN 55102

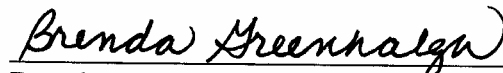
David L. Zoss
Special Asst. to US Attorney
Galtier Plaza, Suite 650
175 Fifth Street E., Box 90
St. Paul, MN 55101

Nancy A. Nordmeyer, Esq.
Shapiro & Nordmeyer
7300 Metro Boulevard, Ste. 390
Edina, MN 55439-2306

James A. Geske, Esq.
7650 Currell Boulevard #300
Woodbury, MN 55125

(SEE ATTACHED LIST)

Dated: August 11, 2004


Brenda Greenhalgh

CORPORATE CREDIT DEPT
777 SAN MARTIN DR
NOVATO CA 94945

BANK ONE
370 S CLEVELAND AVE
STE 2047
WESTERVILLE OH 43081

WELLS FARGO BANK
700 VISTA DR
MAC #N8235-049
W DES MOINES IA 50266

WELLS FARGO BANK
PO BOX 4116
MAC P6053-022
PORTLAND OR 97208

GUARANTY RESIDENTIAL LENDING
STEPHEN MORIARTY
500 W MAIN ST STE 500
OKLAHOMA CITY OK 73102

INTERNAL REVENUE SERVICE
316 N ROBERT ST
STOP 5700STP
ST PAUL MN 55101

AMEX TRAVEL RELATED SVCS
CO IN CORP CARD
C/O BECKET & LEE
PO BOX 3001
MALVERN PA 19355

FIRST USA BANK
PO BOX 517
FREDERICK MD 21705

RESURGENT CAPITAL SVCS
PO BOX 10857
GREENVILLE SC 29603

DAIMLER CHRYSLER SERVICES
C/O RIEZMAN BERGER PC
7700 BONHOMME 7TH FL
ST LOUIS MO 63105

THE BANK OF NEW
YORK/OCWEN FEDERAL BANK
THE FORUM TOWER C 10TH FL
1655 PALM BEACH LAKES BLVD
W PALM BEACH FL 33401

ST PAUL POSTAL EMPLOYEES CU
180 E KELLOGG BLVD STE 600
ST PAUL MN 55101

US BANK CORP
BKY RECOVERY DEPT
PO BOX 5229
CINCINNATI OH 45201

MN DEPT OF REVENUE
BANKRUPTCY SECTION
PO BOX 64447
ST PAUL MN 55164

FORD MOTOR CREDIT CO
MESSERLI & KRAMER
3405 ANNAPOLIS LN N
PLYMOUTH MN 55447

B-FIRST
C/O WEINSTEIN TREIOGER RILEY
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SEATTLE WA 98121